IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 7150 (SS) of 2001

Kaptan Singh Verma,
S/o Sri Kapoor Singh,
R/o Village and Post – Saiyan,
District – Agra. **……..Petitioner.**

Versus

1. Secretary, Human Resources Department, Government of Uttaranchal, Civil Secretariat, Dehradun.
2. Director of Education, Uttaranchal, Dehradun.
3. Directorate of Pension, Government of Uttaranchal, at Dehradun.

……..Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Sharad Sharma, learned counsel for the petitioner and Sri N.P. Shah, learned standing counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. *issue a writ order or direction in the nature of Mandamus commanding the respondents to pay the post retirement benefits payable to the petitioner as per the rules.*
2. *issue any suitable writ, order or direction in the nature of which this Hon'ble court may deem fit and proper in the circumstances of the case.*
3. *award the costs of the writ petitioner to the petitioner.*

Respondents have filed counter affidavit. In the counter affidavit they have submitted that pension has already been sanctioned to the petitioner and is being paid regularly and

other post retirel benefits have also been granted to the petitioner.

Petitioner has submitted that respondents have not paid ten days salary with effect from 20.06.2001 to 30.06.2001, period during which petitioner was placed under suspension and payment of 100 days' leave encashment.

From perusal of letter dated 17.12.2003, which is annexed as Annexure no. CA 1 to the counter affidavit, it is clear that ten days salary with effect from 20.06.2001 to 30.06.2001 has already been paid to the petitioner, so far as payment of leave encashment is concerned that has not been sanctioned by the respondents and the matter is sent for sanction of payment to Additional Director, Education, Uttarakhand.

In case, the payment of hundred days' leave encashment to the petitioner has yet not been made, respondent no. 2 shall ensure that the same shall be paid, in case, there is no legal hurdle in making the payment of the same, within a period of six weeks from the date of production of certified copy of this order.

With this direction, writ petition as well as stay application no. nil of 2001 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

March 6, 2007
SKSharma